REMARKS

Claims 1-23 currently remain in the application. Claims 1, 9, 20 and 22 have been amended; no new matter has been added. Applicants respectfully request reconsideration in view of the previous amendments and following remarks.

In the Claims

The claims have to been amended to clarify the invention and now recite "creating a timestamp that preserves a timing relationship of data in a portion of the bitstream as the data was received at the first communication interface" and "transmitting an output bitstream from the network device onto a first channel, the output bitstream including the timestamp with timing information of the data as the data was received at the first communication interface and including the data including jitter introduced by the processing". Support for these amendments can be found through out the Specification, and in particular on page 2 lines 21-30, page 4 lines 20-30, page 5 lines 1-10 and page 7 lines 5-10, for example.

Rejection under 35 U.S.C. § 102

Claims 1-7, 9-14 and 17-21 were rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 5,640,388 to Woodhead et al. (referred to herein as 'Woodhead'). Applicants respectfully traverse.

The present invention **preserves** the timing relationship of the data as the data was received. Specifically, independent claim 1 recites "creating a timestamp that preserves a timing relationship of data in a portion of the bitstream as the data was received at the first communication interface". Element 3 of claim 1 also recites "transmitting an output bitstream from the network device onto a first channel, the output bitstream including the timestamp with timing information of the data as the data was received at the first communication interface and including the data including jitter introduced by the processing".

Woodhead does not output a timestamp that preserves the timing relationship of the data as the data was received.

Woodhead notes that packets "arrive at a destination 'jittered' with respect to their PCRs" and that "the PCRs no longer accurately reflect the timebase of a Program" (see col. 6 lines 4-13). He thus sees a need to **remove** jitter and **correct** timestamp values received in a network (see col. 6 lines 14-18). Correspondingly, Woodhead invents a system that **corrects** (see col. 7

lines 55-60) "**corrupted**" timestamps (see col. 7 lines 19-21) received from a network. Col. 9, lines 1-5 explicitly states that 'PCR values carried in the Transport Packets must be corrected".

Correspondingly, Woodhead **disposes of the incoming and corrupted timestamp** and creates a new timestamp. The new timestamp **replaces** the corrupted timestamp.

Also, the new timestamp, which is later output, does not include "timing information that preserves the timing relationship of the data as the data was received". As one of skill in the art will appreciate, the mathematical operations used by Woodhead to create the new timestamp are all state functions; once Woodhead's new timestamp has been created, the timing relationship of data as it was received **is irretrievably lost**. A+B=C is a state function when all only C is known; A and B are lost once C is output from Woodhead's intermediate site. As an illustrative example, if C=156550, then A and B are unknowns once C is output from the intermediate site (and thus, C does not preserve A). Woodhead teaches numerous equations for creating timestamps: $PCR_B' = PCR_B + \Delta T_M$ (see col. 4 line 37) and numerous equations between columns 13 and 18. Notably, these mathematical changes to Woodhead's incoming and corrupted timestamps are state functions. Since the processing delay in Woodhead's intermediate site is variable (B), the incoming timing data **(A) cannot be determined from C when only C is output** by Woodhead's intermediate site. In the A+B=C analog, Woodhead only outputs C (his new timestamp); the present invention preserves A (element 2 of claim 1) and outputs A (element 3 of claim 1). Thus, once Woodhead creates his new timestamp, the incoming data has been lost and he does not output a timestamp that preserves the timing relationship of data as the data was received.

The reference now opposes the amended claims. Woodhead repeatedly mentions a need to **expunge** the **incoming corrupted** timestamps (see col. 3, lines 42-49, col. 6 lines 4-13, col. 6 lines 14-18, and col. 9, lines 1-5). The reference clearly teaches against keeping – and re-transmitting as recited in the claim – timing information that describes the timing relationship of the data as the data was received. Per MPEP 2141.02, **"A Reference Must be Taken in its Entirety, Including Those Portions that Teach Away from the Claims and Argue Against Obviousness"**. Therefore, the claims are not obvious in view of Woodhead.

For at least these reasons, Applicants respectfully submit that Woodhead does not teach all limitations in independent claim 1 and that independent claim 1 is allowable.

Independent claims 9, 20 and 22 include similar limitations to independent claim 1 and are patentable for at least the reasons described above.

Claims 2 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Woodhead in view of US Patent No. 6,002,687 to Magee (referred to herein as 'Magee').

Claims 8, 15 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Woodhead in view of US Patent No. 6,323,789 to Lawrence et al. (referred to herein as 'Lawrence').

Claims 2-7 and 10-14, 17-19, 21 and 23 each depend either directly or indirectly from independent claims 1, 9, 20 and 22 and are patentable over the art of record for at least the reasons set forth above with respect to the independent claims.

Withdrawal of the rejection under 35 U.S.C. § 102 and 103 is therefore respectfully requested.

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

William J. Plut
Limited Recognition No. L0079

P.O. Box 70250
Oakland, CA 94612-0250
Telephone: (650) 961-8300